

April 25, 2007

Chairman Kevin Martin
Commissioner Jonathan Adelstein
Commissioner Michael Copps
Commissioner Robert McDowell
Commissioner Deborah Taylor Tate
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Docket 97-80, RCN Request for Waiver

Dear Chairman Martin, Commissioners Adelstein, Copps, McDowell and Taylor Tate:

This letter replies to the filing by RCN of April 20, 2007, concerning comments I submitted to the Commission on April 18. Perhaps due to otherwise slow news days in the Consumer Electronics industry, the problems I have been experiencing in obtaining high definition digital television service from RCN have taken on a life of their own. I wanted to be able to receive a true high definition picture on my new (my first) HDTV, at a reasonable price. I would have been perfectly happy had RCN taken care of my needs as their customer in response to my call for service. Though I am unenthused that it has taken a trade press kerfuffle to get RCN to offer me a CableCard or a set top box with an operational IEEE 1394 output, given RCN's offer – as well as a competitive offer from Comcast to provide me with a CableCard (which they say they currently have in stock) for a lower price without any delays, sturm, or drang – my personal questions will be resolved. However, I would offer a few, hopefully final, observations concerning my experience and the RCN April 20 response.

It should not be necessary for a consumer to complain to the Commission to get a CableCard. CableCards have been part of the regulatory and technology landscape for several years. Both RCN representatives I contacted to obtain a CableCard told that RCN has been out of them for months (and RCN does not deny this). They could not tell me when in the future they would be available. The promise of being put on a waiting list for some indeterminate period does little as a legal matter to satisfy what I understand to be RCN's regulatory responsibility. It does even less to promote the digital transition or satisfy customers like me who are understandably excited about their HDTV purchases.

I find it astonishing that RCN blames me (*see* April 20 letter, top of page 3) for not knowing the Motorola set top box product line well enough to educate RCN's own service representatives. If "Mr. Greenstein was wrong" about the capabilities of RCN's product offerings, it is because RCN gave me wrong information. The representative with whom I spoke the second time gave every indication that he was technically knowledgeable. I thought I had reason to believe him when he told me the "regular" HD set top box offered by RCN had only component outputs for delivering high definition signals, and did not have 1394 outputs. I saw no reason to cross-examine RCN's sales representative – as RCN suggests I should have done – as to what specific model number boxes they offer, then personally investigate what outputs each box offers. I thought, perhaps naively, that knowing the RCN product line was the job of RCN's sales staff. It seems odd that RCN believes I or any consumer should expect as the normal state of affairs that RCN's sales people can't be trusted to know their own business.

I don't think this what the Commission had in mind when it required that cable operators make available CableCards and set top boxes with an operational IEEE 1394 digital output. Stocking IEEE 1394 boxes in some warehouse or back-ordering CableCards doesn't promote the digital transition. Getting them to consumers does. Perhaps if cable operators would tell consumers they offer options like renting an inexpensive CableCard or a set top box with IEEE 1394 that can promote home networking, more consumers would choose them. Again, I reiterate what I said in my first letter: If even a reasonably knowledgeable consumer like me who asks direct questions cannot easily obtain what Commission regulations require RCN to offer, I am doubly concerned about what happens to other, less knowledgeable, consumers who deserve true HD programming at a reasonable price.

Finally, the reasons why RCN's request for waiver should be denied are clearly and compellingly articulated in the filings of others. As a consumer, my point is simply that years ago the Commission and Congress set policies and regulations in motion to promote the digital transition. If RCN or its vendors believe they can ignore Commission requirements designed to promote the digital transition, they have not shown they deserve additional exceptions that derogate even further from the Commission's vision.

Respectfully submitted,

/s/

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